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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,047	03/22/2006	Hiroaki Mukai	2611-0257PUS1	5344
2292	7590	11/27/2009	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				TRAN, DZUNG D
ART UNIT		PAPER NUMBER		
		2613		
NOTIFICATION DATE			DELIVERY MODE	
11/27/2009			ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary	Application No.	Applicant(s)	
	10/573,047	MUKAI, HIROAKI	
	Examiner	Art Unit	
	Dzung D. Tran	2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 17 August 2009.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 7,8,10,11 and 13-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) _____ is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Specification

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 7-8, 10-11 and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. US Patent no. 6,636,527.

Regarding claim 7, Lee discloses a passive optical network system comprising:
an optical line termination 101 of figure 1; and
a plurality of optical network units 103 of figure 1 that are respectively connected to an optical line termination via an optical transmission line;

Wherein the optical line termination includes

an issuing unit that, upon detecting a connection with the ONU (i.e., equivalent to a new optical network) while performing ranging, issues a control message for requesting a PLOAM password from the new optical network unit, and acquires the PLOAM password (col. 2, lines 2-9, col. 3, lines 11-31), and

a setting unit that, based on acquired PLOAM password, specifies the subscriber and the service details, and performs at least one of bandwidth setting (col. 3, line 58 to col. 4, line 5; col. 4, lines 56-62) and connection setting based on specified service

details (col.3, line 16 to col. 5, line 67); and each of the new optical network unit includes

a notifying unit that receives, from the optical line termination, a control message requesting for the PLOAM password, and issues a response message that notifies the PLOAM password (Figure 7).

Lee does not specifically disclose wherein the PLOAM password is issued by a telecommunication firm. However, Lee discloses in Figure 6A a control unit 3 for controlling the information processing unit 7. Thus, it would have been obvious to an artisan at the time of the invention was made, that the PLOAM password is issued by the control unit (i.e., operated by telecommunication firm).

Regarding claim 8, Lee discloses wherein the PLOAM password specifies the ONU or subscriber, and the control message and the response message are sent and received using any one of a physical layer and a monitor control channel (col. 2, lines 2-9, col. 3, line 11 to col. 4, line 32).

Regarding claim 10, Lee discloses a method for connecting a plurality of optical network units 103 of figure 1 included in a passive optical network system to an optical line termination 101 of Figure 1 via an optical transmission line, comprising:

the optical line termination detecting a connection with the ONU (i.e., equivalent to a new optical network) while performing ranging and the optical line termination issuing a control message requesting a PLOAM password from the new optical network unit, wherein the act of issuing is performed after the act of detecting, the new optical network unit receiving from the optical line termination, a control message requesting

PLOAM password and the new optical network units issuing a response message including the PLOAM password (Figure 7; col. 2, lines 2-9, col. 3, lines 11-31), the optical line termination specifying based on the acquired PLOAM password the ONU and the service details and the optical line termination performing at least one of the bandwidth setting (col. 3, line 58 to col. 4, line 5; col. 4, lines 56-62) and connection setting based on specified service details (col. 3, line 16 to col. 5, line 67).

Lee does not specifically disclose wherein the PLOAM password is issued by a telecommunication firm. However, Lee discloses in Figure 6A a control unit 3 for controlling the information processing unit 7. Thus, it would have been obvious to an artisan at the time of the invention was made, that the PLOAM password is issued by the control unit (i.e., operated by telecommunication firm).

Regarding claim 11, Lee discloses wherein the PLOAM password specifies the ONU or subscriber, and the control message and the response message are sent and received using any one of a physical layer and a monitor control channel (col. 2, lines 2-9, col. 3, line 11 to col. 4, line 32).

Regarding claim 13, Lee discloses the optical line termination comprises a data base configured to store the PLOAM password and service detail in association with the subscriber (col. 4, lines 24-32, lines 56-62). Lee does not specifically disclose the optical network unit comprises a storing unit that stores the PLOAM password. However, Figure 7 shows the communication between OLT and ONU. Thus, it would have been obvious to an artisan at the time of the invention was made, ONU must have

the processor that includes a memory for storing the information (information that includes PLOAM password) from the OLT in order to communicate with the OLT.

Regarding claim 14, Lee discloses optical network unit 103.

Regarding claim 15, Lee discloses an optical line termination 101 of Figure 1 for a passive optical network, connecting to a plurality of optical network units, comprising:

a physical layer termination unit transmitting to a newly activated optical unit a control message requesting a PLOAM password and acquiring the PLOAM password as a PLOAM message, the PLOAM password identifying a subscriber (col. 2, lines 2-9, col. 3, line 11 to col. 4, line 32); and

a controller unit 3 of Figure 5 for specifying a service allocated for the subscriber based on the acquired PLOAM password and performing bandwidth allocation corresponding to the specified service (col. 3, line 58 to col. 4, line 5; col. 4, lines 56-62), wherein the PLOAM password is contained in a PLOAM message belonging to a physical layer and is issued by the physical layer (col. 2, lines 2-9, col. 3, line 11 to col. 4, line 32).

Regarding claim 16, Lee discloses an optical network unit for a passive optical network, connecting an optical line termination via an optical fiber, comprising:

a storing unit which stores a PLOAM password, the PLOAM password identifying a subscriber (col. 4, lines 24-32, lines 56-62); and

a physical layer termination unit connected to the optical fiber, answering to the optical line termination during a ranging process, receiving a control message

requesting the PLOAM password from the optical line termination, and sending the PLOAM password in response to the control message so that the optical network unit is registered in connection with a particular subscriber and a service allowed to the subscriber (Figure 7; col. 2, lines 2-9, col. 3, lines 11-31).

Lee does not specifically disclose wherein the PLOAM password is issued by a physical layer. However, Lee discloses in Figure 6A a control unit 3 for controlling the information processing unit 7. Thus, it would have been obvious to an artisan at the time of the invention was made, that the PLOAM password is issued by the control unit (i.e., a physical layer).

Response to Arguments

3. Applicant's arguments with respect to claims 7-8, 10-11 and 13-16 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dzung D Tran whose telephone number is (571) 272-3025. The examiner can normally be reached on 9:00 AM - 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan, can be reached on (571) 272-3022. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dzung Tran

11/21/2009

/Dzung D Tran/

Primary Examiner, Art Unit 2613